



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Takahiko, ISHIGURO, et al.

Appln. No. 09/345,761

Group Art Unit: 1655

Confirmation No.: Not Assigned

Examiner: WILDER, C

Filed: July 01, 1999

For: METHOD OF ASSAY OF TARGET NUCLEIC ACID

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants hereby notify the U.S. Patent and Trademark Office of the documents which are listed on the attached Form PTO-1449 and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

- |    |   |                      |                 |
|----|---|----------------------|-----------------|
| 1. | U.S. Patent No.: 6,211,354 B1   | issued April 3, 2001 | Horie et al.    |
| 2. | U.S. Patent No.: 6,063,572  | issued May 16, 2000  | Ishiguro et al. |
| 3. | U.S. Patent No.: 5,814,447  | Issued Sep 29, 1998  | Ishiguro et al. |
| 4. | Nucleic Acid Research, Vol. 15, No. 11, pp. 4403-4415 (1987) "Site-Directed Cleavage of RNA," Shibahara, et al. |                      |                 |

Note that Shibahara et al. is referred to in U.S. Patent No. 5,409,818 (Davey et al.), which was cited by the Examiner in the present case, for a site specific hydrolysis

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method used for preparation of a first template of Davey et al., and discloses hydrolytic cleavage of an RNA (90 mer) having a known nucleotide sequence at a specific site using an oligonucleotide complementary to the specific site and RNaseH. Note that this is especially relevant to applicants argument that there is no teaching or suggestion in Davey et al. of use an oligonucleic acid for the purpose of cutting the target RNA at the 5' end of the specific nucleic acid sequence so that the resulting RNA fragment has the specific nucleic acid sequence located at the 5' end as in the present invention.

One copy of each of the listed documents is submitted herewith.

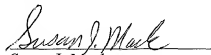
The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date for an application other than a continued prosecution application (CPA) under §1.53(d); (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

Please charge any necessary fee or credit any overpayment in connection with this Information Disclosure Statement to Deposit Account No. 19-4880. A duplicate copy of this paper is attached.

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The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Respectfully submitted,

  
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